
TURNAGAIN COMMUNITY COUNCIL

c/o Federation of Community Councils
1057 West Fireweed Lane, Suite 100
Anchorage, Alaska 99503

TO: Marijuana Control Board
FROM: Turnagain Community Council
DATE: October 14, 2017
RE: **Comments on Proposed Regulations for Onsite Marijuana Consumption**

The following comments were approved by Turnagain Community Council at its October 5, 2017, meeting, with a vote of 9 Yes, 0 No.

Members of the Marijuana Control Board:

Thank you for the opportunity to provide comments on the proposed new section to the State of Alaska Administrative Code (3AAC 306.370) that would allow onsite consumption of marijuana at retail stores.

Even though the Turnagain neighborhood in Anchorage does not currently have any marijuana retail establishments, we are interested in voicing our concerns, as potential impacts from onsite consumption may affect all neighborhoods — not just those where retail establishments are located — and these retail onsite consumption sites, if allowed, will be in areas where Turnagain residents choose to work or visit within our city.

O. Our neighborhood is adjacent to Spenard Rd., and just down the road from Midtown Anchorage, where several retail stores have already opened. If onsite consumption becomes part of these establishments, our residential neighborhood may experience spillover impacts, such as drivers under the influence heading home on Northern Lights Blvd. or Spenard Rd.

The Turnagain Community Council (TCC) is concerned about the public safety and public health impacts of this proposal as well as increased costs for implementing this new marijuana consumption license activity, as expressed in the following comments.

1. TCC is concerned about the implications of the state's proposal to allow onsite consumption of marijuana at retail stores, and in the process weakening or undoing Anchorage's current smokefree indoor air ordinance (AMC 16.65.010).

Keeping our public places in Anchorage, including bars, restaurants and similar establishments, free of tobacco smoke is a critically important clean air/health protection issue for the public and, in particular, for workers at these establishments. Permitting smoking of marijuana, which involves combusting plant material similar to the process of smoking cigarettes, could re-open public discussion about the tobacco smokefree ordinance, or invite legal challenges from the tobacco industry by creating an inconsistent policy about indoor smoke. Many other states and cities around the U.S. already recognize that smokefree laws benefit everyone, including businesses, and TCC is glad to live in an ordinance-mandated smokefree community in Anchorage.

The draft regulation requires the business to maintain a smokefree area for employees to monitor the consumption area, but it is unrealistic to require the business to keep employees away from smoke during their entire work shift, and workers would still be exposed to marijuana smoke when they enter the consumption area. This undermines the goals of the

existing clean air/smokefree ordinance, and in the absence of evidence that marijuana smoke is *not* harmful, would treat two similar substances differently.

While the science on the health effects of marijuana is still limited, there are studies demonstrating that *tobacco and marijuana smoke have similar carcinogenic properties, which suggests that exposure to secondhand smoke from either product poses health risks to customers, workers and others in nearby areas where secondhand smoke is released into the air.* (See March 30, 2017, Center of Disease Control attachment, which states, “...**breathing secondhand marijuana smoke could damage heart and blood vessels as much as secondhand smoke.**”)

The state should not allow residents or visitors to be subjected to the potentially harmful effects of secondhand exposure to marijuana smoke from onsite retail consumption establishments.

2. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) publishes national indoor air quality standards, and has for several years stated that there is no acceptable level of environmental tobacco smoke (ETS) to be considered having safe indoor air. They find that there is no existing ventilation system that can sufficiently remove these particles from the air, and that an indoor smoking ban is much more effective to ensure adequate air quality. More recently, **ASHRAE added marijuana smoke and e-cigarette vapor to this list.**

The current state regulation proposal includes ventilation requirements for establishments that allow marijuana smoking, but if existing technology cannot completely eliminate odors or particulates within or outside of the consumption area, ventilation will not address the health impacts of marijuana smoke and would therefore not be effective protection against exposure to secondhand smoke.

3. The proposed regulations also allow for an outdoor onsite consumption area. TCC is concerned about the impacts of exposure to/inhalation of marijuana smoke in outdoor areas, including surrounding businesses, sidewalks, parking lots, other public areas, and neighborhoods.

While smoke would dissipate faster outdoors, it would still expose others to the odor and inhalation of secondhand smoke in the surrounding area, and it is unclear how this could possibly be controlled in an unenclosed, permitted, outdoor smoking area.

4. TCC is also concerned about what happens to customers after leaving the onsite consumption area, particularly if they are inexperienced with marijuana use and/or have over consumed:

Will intoxicated customers drive home after taking a large dose? What about consuming edibles, which can take several hours to work through a person’s system? The regulation allows consumption of one gram of marijuana in one sitting, which is a significant amount for one person in the space of two hours. What public safety impacts will local law departments have to deal with from drugged driving, given that most people use vehicles to get around, and there may be many inexperienced people trying these products? TCC is concerned that without the equivalent of a Breathalyzer to establish whether someone is driving under the influence of marijuana, it will be difficult for police to accurately and fairly assess drivers’ level of intoxication.

We are also concerned about the possibility of problems around marijuana consumption location closing time, similar to “bar break,” when alcohol establishments close for the night. While marijuana seems less likely to produce violent behavior, several people leaving an establishment who are still feeling the effects of marijuana consumption could create a higher risk of behavior from intoxication, such as involvement in a vehicle accident.

5. Another potential public safety concern is exposure to secondhand smoke for police, fire, and EMS staff that may need to enter a marijuana establishment designated consumption area for a consumption-related incident or an unrelated public safety/health-related incident.

If inhalation of concentrated amounts marijuana smoke in an enclosed area has sufficient potency to create a “buzz,” this could impact first responders’ ability to do their jobs in this enclosed area, or require wearing ventilation equipment while in the consumption room. At least one Alaskan community has expressed concern about onsite consumptions. See *Alaska Journal of Commerce*, “Homer City Council will reconsider marijuana business on spit,” September 10, 2017. (Link to article: <http://www.alaskajournal.com/cannabis#.WbYtta2ZOuV>)

6. TCC is concerned about the increased cost of implementing a new marijuana onsite consumption license activity as well as who would have to cover additional expenses to the community.

Unfortunately, *the community (in our case, the Municipality of Anchorage and its residents) may be asked to bear many of these onsite consumption implementation expenses.* In this current, tight budget climate, asking local governments to cover higher inspection and enforcement costs related to onsite marijuana consumption will put more of a strain on limited community resources — and possibly require residents to cover the cost of appropriate inspection/enforcement-related tasks associated with this activity.

7. Ballot Measure 2, passed in 2014, which legalized commercial production and sales of marijuana, included a specific list of licenses — none of which were intended to allow onsite consumption, and specifically banned marijuana consumption in public places.

There does not appear to be a legal basis for creating a new license activity in regulation, where it is not supported in statute — and allowing onsite marijuana consumption would conflict with the 2014 ballot measure’s specific ban on public consumption. *TCC requests that the Marijuana Control Board seek legal opinions on these matters — and provide these opinions to the public — to avoid creating a regulation not supported in statute.*

Turnagain Community Council concludes with the following: A Dittman public opinion survey (2015-16) conducted for the American Cancer Society Cancer Action Network posed a question about Alaska passing a law prohibiting smoking indoors in public places — **including prohibiting the smoking of marijuana in public places.** Results: 79% in Favor, 18% Opposed, 3% Unsure.

Sincerely,
Cathy L. Gleason
Turnagain Community Council Vice President & Acting President

Supporting documents attached with our email letter submittal to the Marijuana Control Board:

- Alaska Department of Social Services, Division of Public Health, May 2017, presentation about the health harms of marijuana smoke and the ineffectiveness of ventilation against indoor smoke.
- Department of Health & Human Services, Centers for Disease Control’s March 30, 2017, letter citing collected evidence to date about exposure to secondhand marijuana smoke and health impacts.
- “Alaskan Opinions Regarding Statewide Smoke-Free Workplace Law” Dittman survey (December 2015-January 2016)